

Punzanlan Amended Mot

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**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 07-00075
)	
Plaintiff,)	
)	UNITED STATES' AMENDED
vs.)	MOTION TO CONTINUE TRIAL
)	
NATHANIEL PUNZALAN,)	
)	
Defendant.)	
_____)	

COME NOW the United States of America and moves that the trial date in this matter, which is presently set for July 1, 2008, be continued to August 11, 2008, or a date and time thereafter convenient to the Court. The government makes this request for the following reason:

AUSA Rosetta San Nicolas is scheduled for surgery and medical treatment from June 6, 2008 with a recovery period of four to six weeks, in Honolulu, Hawaii and Guam. The government believes that the interests of justice will be served by granting a continuance of the trial for this time-frame.

AUSA San Nicolas has been working with the agents and witnesses in this case and is best capable and prepared to try this case. Due to the increased workload and scheduled trials, all AUSAs are currently

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1 in trial or preparing for trial and would need additional time to review and reinterview agents and
2 witnesses in order to present this case for trial and would need additional time to prepare.

3 Defendant made his initial appearance on this case on August 17, 2007, and was represented by
4 the Federal Public Defender's Office (FPD). After the FPD moved to withdraw, defendant has been
5 represented by Patrick Civile, Cynthia Ecube, William Gavras, Rawlen Mantanona and as of March 19,
6 2008, Stephanie Flores and jury selection and trial is scheduled for July 1, 2008.

7 The government requests that any period of delay resulting from this motion shall be excluded
8 under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), as the ends of justice are served
9 by the requested continuance. The Speedy Trial Act of 18 U.S.C. § 3161(h)(8)(A) allows tolling of the
10 time if the court finds "that the ends of justice served by taking such action outweigh the best interest
11 of the public and the defendant in a speedy trial". The government believes that the best interests of
12 both will be served by this continuance.

13 Respectfully submitted this 17th day of June, 2008.

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15 LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

16
17 /s/ Rosetta L. San Nicolas by
/s/ Marivic P. David

18 By:

ROSETTA L. SAN NICOLAS
Assistant U.S. Attorney